

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:06CV137-MU-1**

EMORY REDFEAR,

Plaintiff,

Vs.

BEN THOMAS, et al.,

Defendants.

**ORDER**

**THIS MATTER** comes before the Court for initial review upon Plaintiff's Petition for a Writ of Mandamus, filed October 20, 2006.

Plaintiff filed a Petition for Writ of Mandamus in conjunction with the filing of his Complaint. Except for the circumstances set forth in 28 U.S.C. § 1361, this Court is unaware of any circumstances under which a district court has the authority to grant such writs. Plaintiff is not suing the United States or any of its agencies, officers, or employees and § 1362 is clearly inapplicable in this case. Consequently, this Court denies Plaintiff's Petition for Writ of Mandamus.

**IT IS, THEREFORE, ORDERED** that Plaintiff's Petition for a Writ of Mandamus is **DENIED**.

Signed: November 7, 2006



Graham C. Mullen  
United States District Judge

